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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS,

PLAINTIFF

VS.

Case 3:24-cv-03727-LB

JOHN DOE, d.b.a. CREETOSIS

DEFENDANTS

**NOTICE OF APPEAL**

Comes now, pro se Plaintiff David Stebbins, who hereby submits the following Notice of Appeal in the above-styled action.

1. The Duty Judge dismissed the case for absolutely no reason. He said that the case was “frivolous and meritless,” but provided absolutely no details whatsoever to support that claim.
2. The Duty Judge states that the current Complaint “repeats the same types of claims that have been repeatedly dismissed in that order and elsewhere.” But it very clearly does not. If anything, it repeats the same claims that *have been allowed to proceed* elsewhere, such as in Case 3:24-cv-00398-LJC (Stebbins v. Garcia Baz), where the defendant played 100% of my original videos while nominally commenting on them, thereby creating an extremely weak case for fair use.
3. To the extent the instant case may overlap with matters that were previously dismissed in other cases, there are clearly distinguishable differences here. For example, regarding the libel claims, I explained in Dkt. 1-1 that “Creetosis didn't say 'it seems' I just want to punish him for criticizing me; he said I "certainly" just want to punish him for criticizing me. Even by Judge Cisneros's standard, that is still an assertion of cast-iron objective fact.”
4. Therefore, the case should have been allowed to proceed.  
So notified on this, the 13<sup>th</sup> day of August, 2024.

/s/ David Stebbins  
David Stebbins

## Application to Appeal In Forma Pauperis

David Stebbins v. John Doe

Appeal No. 24-4992

District Court or Agency No. 4:24-mc-80179

### Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: David Stebbins

### Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 08/14/2024

My issues on appeal are: (required):

Whether the District Court erred in dismissing the Complaint as frivolous.

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$	\$ 0	\$
Self-employment	\$ 71.48	\$ 50	\$	\$
Income from real property (such as rental income)	\$ 0	\$	\$ 0	\$

Interest and dividends	\$ 0	\$	\$ 0	\$
Gifts	\$ 0	\$	\$ 0	\$
Alimony	\$ 0	\$	\$ 0	\$
Child support	\$ 0	\$	\$ 0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$	\$ 0	\$
Disability (such as social security, insurance payments)	\$ 943	\$	\$ 943	\$
Unemployment payments	\$ 0	\$	\$ 0	\$
Public-assistance (such as welfare)	\$ 73	\$	\$ 73	\$
Other (specify): settlement agreement	\$ 0	\$	\$ 100	\$
<b>Total monthly income:</b>	<b>\$ 1087.48</b>	<b>\$</b>	<b>\$ 1187.48</b>	<b>\$</b>

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

<b>Employer</b>	<b>Address</b>	<b>Dates of employment</b>	<b>Gross monthly pay</b>
none in past 2 years			\$
			\$
			\$

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

<b>Employer</b>	<b>Address</b>	<b>Dates of employment</b>	<b>Gross monthly pay</b>
			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ .08

*Below, state any money you or your spouse have in bank accounts or in any other financial institution.*

Financial Institution	Type of Account	Amount you have	Amount your spouse has
Arvest	Checking	\$ 249.85	\$
		\$	\$
		\$	\$

*If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.*

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$ 0	(Value) \$ 0	(Value) \$ 0
		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$ 0	(Value) \$ 250	(Value) \$
Make and year:		
Model:		
Registration #:		

6. *State every person, business, or organization owing you or your spouse money, and the amount owed.*

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
Jarrold Jones (see above, where I	\$ 1,800	\$
listed this income as coming from	\$	\$
a "settlement agreement")	\$	\$
	\$	\$

7. *State the persons who rely on you or your spouse for support.*

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age
no dependents		

8. *Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.*

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$400	\$
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$95	\$
Home maintenance (repairs and upkeep)	\$0	\$
Food	\$300	\$
Clothing	\$50	\$
Laundry and dry-cleaning	\$20	\$
Medical and dental expenses	\$0	\$



Transportation (not including motor vehicle payments)	\$ 0	\$
Recreation, entertainment, newspapers, magazines, etc.	\$ 25	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 0	\$
Life:	\$ 0	\$
Health:	\$ 0	\$
Motor vehicle:	\$ 0	\$
Other:	\$ 0	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ 25	\$
Installment payments		
Motor Vehicle:	\$ 0	\$
Credit card (name):	\$ 0	\$
Department store (name):	\$ 0	\$
Other:	\$ 0	\$
Alimony, maintenance, and support paid to others	\$ 0	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0	\$
Other (specify):	\$ 0	\$
<b>Total monthly expenses:</b>	<b>\$ 915</b>	<b>\$</b>

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

☐ Yes

☒ No

If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?* ☐ Yes ☒ No

*If yes, how much?* \$ \_\_\_\_\_

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *Identify the city and state of your legal residence.*

City Harrison State AR

Your daytime phone number: 870-204-6516

Your age: 35 Your years of schooling: ~14